

Mailed October 25, 2002

BEFORE THE
PUBLIC SERVICE COMMISSION OF WISCONSIN

Alternative Telecommunications Utility-Other Telecommunications Provider
Annual Reports for the Year Ended December 31, 2001, Filed by Competitive
Local Exchange Carriers and Video Distance Learning Providers on a
Confidential Basis

RE: PSC Control Nos. 19022, 19961, 19962, 19963, 19975, 19979, 20455, 20456, 20533,
20534, 23026, 23042, 23043, 23044, 23063, 23064, 23065, 23682, 23683, 23754, 23773,
23774, 23779, 23780, 23781, and 23782

CONFIDENTIALITY DETERMINATION

On various dates from April 1 to July 26, 2002, the following entities (collectively
"11 companies") submitted written applications seeking confidential treatment of certain
information in their 2001 Alternative Telecommunications Utility-Other Telecommunications
Provider ("OTH") annual reports.

Utility No.	Utility Name	PSC Control Numbers	Filing Dates
15	MCImetro Access Transmission Services, LLC ("MCImetro")	19979 19961 and 23780	April 1, 2002 April 12, 2002
2656	IP Communications Corporation ("IP Communications")	23063 23042	April 1, 2002 April 5, 2002
2662	Intermedia Communications, Inc. ("Intermedia")	19975 23779 and 23781	April 1, 2002 April 12, 2002
3485	McLeodUSA Telecommunications Services, Inc. ("McLeodUSA")	23026 23043	April 1, 2002 April 5, 2002
3751	Minnesota Power Telecom, Inc. ("MP Telecom")	23682 and 23683	April 2, 2002
3775	MCI WorldCom Communications, Inc. ("MCI WorldCom")	19962 19963 and 23782	April 1, 2002 April 12, 2002
4015	Navigator Telecommunications, LLC ("Navigator")	20533 and 20534	July 26, 2002
5837	TCG Milwaukee, Inc. ("TCG")	23754 23773 and 23774	April 2, 2002 May 3, 2002
5845	TDS Metrocom, Inc. ("TDS Metrocom")	23064 23044	April 1, 2002 April 5, 2002
5912	Time Warner Telecom of Wisconsin, L.P. ("Time Warner Telecom")	23065 19022	April 1, 2002 April 10, 2002
7199	Globalcom, Inc. ("Globalcom")	20455 and 20456	July 15, 2002

2001 OTH Annual Report Confidentiality Determination

In particular, the 11 companies seek confidential treatment of information contained in the 2001 OTH annual report, as itemized in the table below. For the reasons stated herein, confidential treatment for the specifically identified data is **DENIED**.

Page Number in 2001 OTH Annual Report	Schedule Name	Utilities (by utility number) Requesting Confidential Treatment of All or a Portion of the Schedule ¹
1	Cover Page	3751 ²
2	Rules for Reporting	3751 ²
3	Signature Page	3751 ²
4	Table of Contents	3751 ²
5	Identification and Ownership	3751 ²
6	Income Statement-Total Company	2656, ³ 3485, 3751, 4015, 5837, ⁴ 5845, 5912, 7199
7	Income Statement-Wisconsin Intrastate Operations	15, 2656, ⁵ 2662, 3485, 3751, ² 3775, 5837, 5845, 5912, 7199
8	Total Company Balance Sheet-Assets	2656, ⁶ 3485, 3751, 4015, 5837, ⁷ 5845, 5912, 7199
9	Total Company Balance Sheet-Liabilities and Capital	2656, ³ 3485, 3751, 4015, 5837, ⁷ 5845, 5912, 7199

¹ In addition to that already provided for in the 2001 OTH annual report program.

² MP Telecom's notarized affidavit claims that financial information in its annual report should be accorded confidential treatment by the Commission. A hard copy version of this page was attached to a confidentiality request form filed by MP Telecom with the Commission. The public version posted on the Commission's web page does not substantially mask any data on this page; it is unclear whether this page may have been provided in the public version of the report or attached to a confidentiality request form in error.

³ IP Communications' public version of the annual report states that total company numbers were not available at the time of filing and would be filed with the Commission when available; no subsequent filing has been made.

⁴ Hard copy versions of this page were attached to confidentiality request forms filed by TCG with the Commission. The public version posted on the Commission's web page does not substantially mask any data on this page; it is unclear whether this page may have been provided in the public version of the report or attached to confidentiality request forms in error.

⁵ Although IP Communications' notarized affidavit claims that this information should be accorded confidential treatment, no hard copy version of the page was attached to a confidentiality request form filed with the Commission. The public version posted on the Commission's web page does not mask any data; it is unclear whether the affidavit is in error.

⁶ Although IP Communications' notarized affidavit claims that this information should be accorded confidential treatment, no hard copy version of the page was attached to a confidentiality request form filed with the Commission. The public version posted on the Commission's web page masks all data on this page. The public version also states that total company numbers were not available at the time of filing and would be filed with the Commission when available; no subsequent filing has been made.

⁷ Hard copy versions of this page were attached to confidentiality request forms filed by TCG with the Commission. The public version posted on the Commission's web page does not substantially mask any data on this page; it is unclear whether this page may have been provided in the public version of the report or attached to confidentiality request forms in error. In addition, although TCG has requested confidential treatment for the balance sheet of Teleport Communications Group, Inc., which was attached to a confidentiality request form and was filed in a format outside of the annual report program, it was provided to the Commission via the public version of the report.

2001 OTH Annual Report Confidentiality Determination

Page Number in 2001 OTH Annual Report	Schedule Name	Utilities (by utility number) Requesting Confidential Treatment of All or a Portion of the Schedule ¹
10	Total Company Balance Sheet-Notes	3751, ² 5837, ⁷ 7199 ⁸
11	Retained Earnings-Total Company	2656, ³ 3485, 3751, 4015, 5837, ⁷ 5845, 5912, 7199
12-13	Telecommunications Plant in Service & Accumulated Depreciation & Amortization-Wisc	15, 2662, ⁹ 3485, 3751, 3775, 5837, ⁷ 5845, 5912, 7199 ¹⁰
14-15	Operating Revenues	15, 2662, 3485, 3751, 3775, 4015, 5837, 5845, 5912, 7199
16	Average Number of Subscribers	15, 2656, ¹¹ 2662, ⁹ 3485, 3751, ² 3775, ¹² 4015, 5837, 5845, 5912, 7199
17-18	Access Expenses, Billing Expenses & Charges Imposed by Another Carrier	15, ¹³ 2662, ⁹ 3485, 3751, ¹⁴ 3775, ¹² 4015, 5837, 5845, 7199
19	Central Office Data-End of Year	15, ¹³ 2662, ⁹ 3485, ¹⁵ 3751, 3775, ¹² 5837, 5845, 5912, 7199 ¹⁰

⁸ A hard copy version of this page was attached to a confidentiality request form filed by Globalcom with the Commission. The public version posted on the Commission's web page does not substantially mask any data on this page; it is unclear whether this page may have been provided in the public version of the report or attached to a confidentiality request form in error.

⁹ Although Intermedia's notarized affidavits claim that this information should be accorded confidential treatment, no hard copy versions of the page were attached to the confidentiality request forms filed with the Commission. The public version posted on the Commission's web page contains no data on this page; it is unclear whether the affidavit is in error or data is missing from Intermedia's 2001 OTH annual report.

¹⁰ A hard copy version of this page was attached to a confidentiality request form filed by Globalcom with the Commission. The public version posted on the Commission's web page does not substantially mask any data on this page; it is unclear whether this page may have been provided in the public version of the report or attached to a confidentiality request form in error, or data is missing from Globalcom's 2001 OTH annual report.

¹¹ A hard copy version of this page was attached to a confidentiality request form filed by IP Communications with the Commission. The public version posted on the Commission's web page does not mask any data; it is unclear whether this page may have been provided in the public version of the report or attached to a confidentiality request form in error.

¹² Although MCI WorldCom's notarized affidavits claim that this information should be accorded confidential treatment, no hard copy versions of the page were attached to the confidentiality request forms filed with the Commission. The public version posted on the Commission's web page contains no data on this page; it is unclear whether the affidavit is in error or data is missing from MCI WorldCom's 2001 OTH annual report.

¹³ Although MCI Metro's notarized affidavits claim that this information should be accorded confidential treatment, no hard copy versions of the page were attached to the confidentiality request forms filed with the Commission. The public version posted on the Commission's web page contains no data on this page; it is unclear whether the affidavit is in error or data is missing from MCI Metro's 2001 OTH annual report.

¹⁴ MP Telecom's notarized affidavit claims that financial information in its annual report should be accorded confidential treatment by the Commission. A hard copy version of this page was attached to a confidentiality request form filed by MP Telecom with the Commission. The public version posted on the Commission's web page does not substantially mask any data on this page; it is unclear whether this page may have been provided in the public version of the report or attached to a confidentiality request form in error, or data is missing from MP Telecom's 2001 OTH annual report.

¹⁵ Although McLeodUSA's notarized affidavit claims that this information should be accorded confidential treatment, no hard copy version of the page was attached to a confidentiality request form filed with the Commission. The public version posted on the Commission's web page does not mask any data; it is unclear whether the affidavit is in error or data is missing from McLeodUSA's 2001 OTH annual report.

2001 OTH Annual Report Confidentiality Determination

Page Number in 2001 OTH Annual Report	Schedule Name	Utilities (by utility number) Requesting Confidential Treatment of All or a Portion of the Schedule ¹
20	Assessable Revenues	15, 2662, 3485, 3751, 3775, 5837, 5845, 5912, 7199
21	Other Information	3751, ² 5837, ⁴ 7199 ⁸
22	Schedule and Report Notes	3751, ² 5837, ¹⁶ 7199 ⁸

The Public Service Commission ("Commission") has the authority to compel the submittal of this information pursuant to Wis. Stat. § 196.07. This confidentiality determination is made pursuant to Wis. Admin. Code § PSC 2.12.

Background

On May 30, 2001, the Commission issued a Confidentiality Determination¹⁷ concerning the 2000 OTH annual report filings.¹⁸ In its consolidated confidentiality determination dated March 14, 2002, the Commission found it reasonable to apply those findings of its Confidentiality Determination to 2001 annual report filings.

The 11 companies are competitive local exchange carriers ("CLECs") which are required to file an OTH annual report with the Commission. The statutory filing date for the OTH annual report covering 2001 calendar year operations was April 1, 2002; in excess of 140 CLECs and

¹⁶ A hard copy version of this page was attached to a confidentiality request form filed by TCG with the Commission. The public version posted on the Commission's web page does not substantially mask any data on this page; it is unclear whether this page may have been provided in the public version of the report or attached to a confidentiality request form in error.

¹⁷ On July 18, 2001, the Commission issued an Order Denying Reconsideration, Reopening, and Stay concerning this matter. Subsequent to the issuance of the Commission's July 18 order, six competitive local exchange carriers ("CLECs" or "AECs"), including MCImetro, IP Communications, McLeodUSA, MCI WorldCom, TCG, and Time Warner Telecom, and one video distance learning provider ("VDL") obtained a court-ordered stay permitting continued confidential treatment of selected portions of their 2000 filings.

¹⁸ The 2001 OTH annual report essentially requires information identical to that requested in the 2000 OTH annual report, with the exception of several modifications to the Central Office Data-End of Year schedule, including the addition of generic Digital Subscriber Line ("xDSL") availability and number of lines information.

2001 OTH Annual Report Confidentiality Determination

video distance learning providers (“VDLs”) were required to file this report for the 2001 calendar year.¹⁹

For the 2001 OTH annual report program,²⁰ which was released on February 15, 2002, the Commission implemented a paperless filing process, discontinuing the requirement for an entity to file a completed Confidentiality Request form and notarized affidavit. The 2001 OTH program contained padlocks allowing users to file selected information on a confidential basis by locking the padlock next to the protected data. However, padlocks were only provided for information eligible for provisional confidential treatment as set forth in the Commission’s May 30, 2001, Confidentiality Determination, as supplemented by an item initially requested in the 2001 program, generic Digital Subscriber Line (“xDSL”) lines in use, in the Central Office Data-End of Year schedule. All 2001 OTH annual report filings were to be accomplished via e-mail, with an encrypted, zipped attachment containing the exported 2001 annual report information, together with an export status report, edit check listing, and listing of schedules with confidential locks.

Discussion

On various dates ranging from April 1 to July 26, 2002, 11 companies manually filed their 2001 OTH annual reports, requesting confidential treatment of information contained on various schedules, over and above that provided for in the 2001 OTH annual report program. The 11 companies’ filings contained confidential hard copy pages, a confidential diskette containing annual report program files, and a complete public version of the 2001 report, the latter which is currently available on the Commission’s web page.

¹⁹ Approximately 110 entities have actually filed the 2001 OTH annual report with the Commission.

²⁰ The 2001 OTH annual report program is actually a subset of the 2001 Other Telecommunications Annual Report Program. The 2001 Other Telecommunications Annual Report Program is used by five different categories of telecommunications entities to file annual reports with the Commission.

2001 OTH Annual Report Confidentiality Determination

MCImetro, Intermedia, and MCI WorldCom claim that the information sought to be protected (which was not granted provisional confidential treatment in the Commission's March 14, 2002, Confidentiality Determination) is sensitive, competitively-useful, proprietary, and trade secret business information, entitled to protection under Wis. Stat. §§134.90 and 196.14. In addition, the three companies posit that the information at issue could reveal each company's strategic market position, entry strategy, ability to provide services in particular areas of the state, and even the quality of and limitations on those services and offerings. The companies argue that if the Commission makes the confidentially-filed information publicly available, competitors could draw accurate conclusions regarding how MCImetro, Intermedia, and MCI WorldCom serve their customers, each company's plans for entering the market and bringing new products to its existing markets, and their success rates in winning and retaining new customers based upon those business decisions. Each company believes that competitors could use the information to respond to their market-gaining efforts by converting the revenue information into market share data and target their winback efforts in those areas and to those customers where MCImetro, Intermedia, or MCI WorldCom is shown to be gaining ground. The three companies believe that incumbent local exchange carriers ("ILECs") could "gerrymander" proposed unbundled network element ("UNE") rate zones to increase costs in areas where MCImetro, Intermedia, or MCI WorldCom are making the greatest inroads into the ILECs' market share. The companies claim that public release of the information could cause competition to suffer in the state. The companies also note that only a limited number of employees currently have knowledge of the requested confidential information, stating that absence of confidential handling by the Commission would significantly increase that number.

2001 OTH Annual Report Confidentiality Determination

Finally, MCImetro, Intermedia, and MCI WorldCom state that there have rarely, if ever, been requests from the public at large to examine the information at issue.

While acknowledging the Commission's March 14, 2002, Confidentiality Determination, IP Communications, McLeodUSA, TDS Metrocom, and Time Warner Telecom claim that the information at issue would aid competitors, warranting protection from disclosure under Wis. Stat. § 196.14, and constitutes trade secrets protectible from public disclosure under Wisconsin law, pursuant to Wis. Stat. § 19.36. The companies note that only their employees have knowledge of the respective information based on measures to safeguard it and public disclosure by the Commission would increase that number to a significant degree. IP Communications, McLeodUSA, TDS Metrocom, and Time Warner Telecom posit that the information could not be acquired and/or duplicated easily by others, and would aid a competitor in determining which areas and markets to target, which services to offer, and the prices it should charge for those services. The companies further claim that access to this information can provide insight into the companies operations and business strategy, and could assist competitors in development of a competing business plan. Time Warner Telecom also notes that competitors could use this information in their marketing and/or discussions with potential customers to their own advantage by skewing the data to suggest that a particular CLEC is not a viable service provider.

MP Telecom states that only five people currently have access to the confidentially-filed information; the number with access would substantially increase if the Commission were to disclose the information. The company believes that the information has substantial value, both to MP Telecom and its competitors, in that it provides, in summary form, a snapshot of MP Telecom's finances with respect to current infrastructure investment, as well as the specific location and value of that investment, and financial condition, thus supporting confidential

2001 OTH Annual Report Confidentiality Determination

treatment under Wis. Stat. §§ 19.36 and 196.14. MP Telecom argues that this would arm a competitor and a potential customer with non-public information that would erode the company's negotiating position and potentially lessen its return on investment. While the company does not object to the Commission's use of company-specific information for its own use and consolidation of MP Telecom's information with that of other providers for assessing the status of competition in the telecommunications industry, it does not believe that any public benefit is derived from release of the company's financial information.

Navigator, being organized as a limited liability company (rather than as a corporation), notes that it is not subject to the same financial disclosure and reporting requirements as a corporation. The company states that a limited number of company personnel, as well as a limited number of investors and potential investors, currently have access to Navigator's company-specific information; the company argues that the Commission's potential disclosure could increase that limited number and foreclose Navigator's ability to keep the information privileged in the future. Navigator cites its past practice of seeking and receiving confidential treatment and protection in filings with other regulatory agencies. It also states that the ability of a privately-held company to keep confidential its information which has substantial value, such as the information at issue, has longstanding recognition in common and statutory law. The company states that disclosure of financial and line count information would place Navigator at a competitive disadvantage, in that competitors, especially larger ones, could use it to assess the company's financial strengths and weaknesses and current business strategy and undermine the smaller company's ability to effectively compete. For these reasons, Navigator cites Wis. Stat. § 196.14 in support of its confidentiality request.

2001 OTH Annual Report Confidentiality Determination

In TCG's notarized affidavits accompanying the filings, it states that the information is confidential and proprietary and disclosure of the information would allow competitors to use it to their competitive advantage and to the detriment of the company. Specifically, the company posits that competitors could derive TCG's market share, assess the relative efficacy of the company's marketing and strategic business plans in Wisconsin, assess TCG's expenses in relation to its revenues and subscribers (and in relation to competitors' data), gain insight into TCG's economic and business planning information, and make changes to their own business and marketing plans based on an analysis of the company's confidentially-filed information. TCG also claims that the information constitutes trade secrets under Wisconsin law and should be protected from public disclosure pursuant to Wis. Stat. §§ 19.36(5), 134.90, and 196.14. The company notes that this information is neither generally available to the public nor generally known outside the company. TCG states that it maintains internal procedures to protect the information and requests confidential treatment in other regulatory filings.

Globalcom is a privately-held company, noting in its notarized affidavit that it does not disclose the information filed with the Commission on a confidential basis to third parties absent an executed non-disclosure agreement. While acknowledging the Commission's March 14, 2002, Confidentiality Determination, Globalcom cites Wis. Stat. §§ 19.36, 134.90, 196.14, and *State ex rel. Youmans v. Owens*, 28 Wis. 2d 672 (1965) in support of its request for confidential treatment of additional information contained in its 2001 OTH annual report. The company states that competitors could be aided through marketing, advertising, sales, or other purposes by disclosure of non-public detailed financial information for a privately-held company such as Globalcom. Globalcom also believes that the information qualifies as a trade secret since competitors may make improper use of the information to gain a competitive advantage in the

2001 OTH Annual Report Confidentiality Determination

marketplace, and the company takes steps to maintain the secrecy of the information by restricting disclosure and executing non-disclosure agreements where necessary. Globalcom notes that disclosure of the confidentially-filed information would increase the number of persons with access from a select group of less than 20 to the entire public. The company posits that availability of detailed financial information allows competitors to determine Globalcom's profitability and, in turn, its business model, and replicate it to the competitor's own economic interest. Specifically, the company notes that information concerning number of subscribers disclosed to other state public service commissions (e.g., Illinois Commerce Commission) is such that individual carrier information is kept confidential, while aggregate industry-wide data is publicly available. Finally, Globalcom points out that it has not requested confidential treatment for "totals" contained in the annual report schedules and that such "totals" should be sufficient to satisfy the public interest in ascertaining the general financial condition of a public utility.

In issuing its March 14, 2002, consolidated confidentiality determination applying to all 2001 OTH annual report filers, the Commission balanced the concerns of the parties submitting confidential commercial or financial information and that of the interest of the public in accessing that information. This careful balancing of competing interests affects both the competitive nature of the telecommunications industry and the performance of the Commission's public responsibilities. As the telecommunications industry becomes increasingly competitive, companies increasingly assert that the information they provide to the Commission is competitively sensitive.

Basically, all 11 companies assert that the additional information provided, if released, would aid a competitor. However, it is difficult to reconcile confidential treatment of annual

2001 OTH Annual Report Confidentiality Determination

reports for these 11 companies with annual reports of the other approximately 100 CLECs and VDLs that have not sought the same.

Confidential treatment for 2001 OTH annual report information filed with the Commission, perhaps erroneously, on both a confidential and a public basis is **denied** since it is already available in the public domain. If the Commission were to otherwise address the merits of confidentiality requests for the information contained on the Cover Page (p. 1), Rules for Reporting (p. 2), Signature Page (p. 3), Table of Contents (p. 4), Identification and Ownership (p. 5), Total Company Balance Sheet-Notes (p. 10), Other Information (p. 21), and Schedule and Report Notes (p. 22) schedules, the Commission would deny confidential treatment (and trade secret status) since it believes that public release of this information would not cause harm to the respective companies.

Many of the 11 companies have requested confidential treatment (and trade secret status) for selected information on the following schedules (in addition to provisional confidential treatment, if any, granted in the Commission's March 14, 2002, Confidentiality Determination): Income Statement-Total Company (p. 6); Income Statement-Wisconsin Intrastate Operations (p. 7); Total Company Balance Sheet-Assets (p. 8); Total Company Balance Sheet-Liabilities and Capital (p. 9); Retained Earnings-Total Company (p. 11); Telecommunications Plant in Service & Accumulated Depreciation & Amortization-Wisconsin (pp. 12-13); Operating Revenues (pp. 14-15); Average Number of Subscribers (p. 16); Access Expenses, Billing Expenses & Charges Imposed by Another Carrier (pp. 17-18); Central Office Data-End of Year (p. 19); and Assessable Revenues (p. 20). Confidential treatment to information above that granted provisional confidential treatment in the Commission's March 14, 2002, Confidentiality Determination concerning the 2001 OTH annual reports is **denied**. Trade secret status for such

2001 OTH Annual Report Confidentiality Determination

information under Wis. Stat. §§ 19.36(5) and 134.90(1)(c), as claimed by various companies, is likewise **denied**.

The Commission reiterates the provisions and reasoning contained in its March 14, 2002, Confidentiality Determination concerning the 2001 OTH annual report, in which it granted provisional confidential treatment to selected information contained on the Operating Revenues (pp. 14-15) and Central Office Data-End of Year (p. 19) schedules and denied confidential treatment to all other information in the to-be-filed 2001 OTH annual reports. Confidential treatment was granted for selected information on the Operating Revenues and Central Office Data-End of Year schedules because the Commission determined that the identified information would aid a competitor of a public utility and should be accorded provisional confidential treatment pursuant to Wis. Stat. § 196.14. Likewise, the Commission denied confidential treatment for all other information in the 2001 OTH annual reports because this information would not aid a competitor of a public utility.

Navigator and Globalcom cite reporting differences between privately-held companies and corporations. While the Commission acknowledges these differences, it does not believe that the information at issue is so detailed that it enables a competitor to target specific customers or market areas that it would not otherwise be able to do using other resources.

With respect to average number of subscriber information reported on p. 16, Globalcom cites the Illinois Commerce Commission's ("ICC") confidential treatment of company-specific subscriber information. Based on information currently available to this Commission, it appears that the ICC's data requirements are much more extensive than that of this Commission, in that the ICC requests business and residence access line data, respectively, by exchange, further subdivided by urban and rural. This Commission requests average number of subscriber

2001 OTH Annual Report Confidentiality Determination

information for Wisconsin-Based Total and Total Company, much less detailed than requested by the ICC. The Commission therefore concludes that the information requested on p. 16 of the 2001 OTH annual report should not be granted confidential treatment, consistent with its March 14, 2002, Confidentiality Determination.

The Commission is not persuaded that the statewide revenue and other information cited by the companies in their filings warrant provisional confidential treatment. All of the companies have failed to provide any specific, convincing evidence, beyond mere allegation, that disclosure of the information at issue truly enables competitors to harm their respective businesses. The Commission does not believe that the statewide revenue and other information at issue are specific enough to allow competitors to target strategic plans to certain market areas, as claimed by various companies.²¹ Finally, the Commission does not believe that Wisconsin revenue or other information, above that granted provisional confidential treatment in the

²¹ Additionally, the Commission notes that confidential treatment was disallowed for incumbent local exchange carriers ("ILECs") concerning total company income statement (p. 8), total company balance sheet (pp. 10-11), total company retained earnings (p. 37), telecommunications plant in service (pp. 22-25) and accumulated depreciation (pp. 26-29), operating revenues (with the exception of miscellaneous revenue detail) (p. 40), residential and business access lines (p. 50), expenses (p. 41), central office data (except for selected items) (p. 55), and remainder and telephone relay assessable revenues (p. 43) information in its February 5, 2002, Confidentiality Determination concerning the 2001 ILEC annual report. The above information in the ILEC annual report is comparable, if not more detailed, than similar information required on the following respective pages of the 2001 OTH annual report: 6; 8-9; 11; 12-13; 14-15; 16; 17-18; 19; and 20. While the total assessable revenues for universal service fund assessment purposes on p. 43 of the 2001 ILEC annual report are eligible for confidential treatment in the 2001 ILEC annual report, this treatment is generally available in those situations where intrastate payphone revenues or other specific adjustments are reported. Intrastate payphone revenue or other adjustment amount details are not required for the universal service fund assessable revenues amount shown on p. 20 of the 2001 OTH annual report. Also, two ILECs, Wisconsin Bell, Inc. and Verizon North Inc.-Wisconsin Operations, annually file intrastate earnings information, outside of the ILEC annual report, with the Commission on a public basis. The miscellaneous revenue detail and selected central office data granted confidential treatment in the 2001 ILEC annual report are essentially the same as the items granted confidential treatment in the Commission's March 14, 2002, Confidentiality Determination concerning the 2001 OTH annual report.

Assessable revenue information at issue was similarly disallowed confidential treatment in the Commission's March 14, 2002, confidentiality determinations concerning the following 2001 annual reports: Interexchange Carriers and Other Selected Alternative Telecommunications Utility-Other Telecommunications Provider Entities ("ARW"); Commercial Mobile Radio Service Provider ("CMR") (with respect to Wisconsin Gross Intrastate Operating Telecommunications Service Revenue); and Alternative Telecommunications Utility-Telecommunications Reseller ("RES"). Cost of plant and average number of customers information, respectively, on p. 6 of the 2001 RES annual report (similar to end-of-year plant balances and average number of Wisconsin-based total subscribers on pp. 13 and 16, respectively, of the 2001 OTH annual report) were likewise denied confidential treatment in the Commission's March 14, 2002, Confidentiality Determination concerning the 2001 RES annual report.

The Commission is currently addressing requests from two ARW entities, three CMR entities, two ILEC entities, and three RES entities for confidential status for items contained in such annual reports.

2001 OTH Annual Report Confidentiality Determination

Commission's March 14, 2002, Confidentiality Determination, contained in the 2001 OTH annual report qualifies as a trade secret under Wis. Stat. §§ 19.36(5) or 134.90(1)(c).

Pursuant to its jurisdiction under Wis. Stat. §§ 196.02(1), 196.14, and other provisions of Wis. Stat. ch. 196 and Wis. Stat. §§ 19.32-.39, as may be pertinent hereto, the Commission denies confidential treatment to all information contained in the 11 companies' 2001 OTH annual reports, with the exception of items contained in the Operating Revenues and Central Office Data-End of Year schedules which were set forth on p. 4 of the Commission's March 14, 2002, Confidentiality Determination concerning the 2001 OTH annual reports.

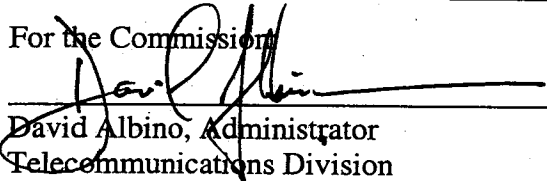
This confidentiality determination is not a final determination under the Public Records law; it is the Commission's decision for purposes of managing its files. This confidentiality determination does not prejudice the right of any person to submit a public records request to inspect the contents of the filings subject to this determination.

The information for which confidential treatment is denied shall be open to public scrutiny 40 days after the issuance of this order. The 11 companies shall, in compliance with this determination, electronically re-file their 2001 annual reports using the electronic filing capabilities contained in the 2001 OTH annual report program no later than three business days before the public disclosure date. Absent such filings, the Commission will proceed to make available revised public versions based on this confidentiality determination.

This order is effective upon mailing.

Dated at Madison, Wisconsin, 24 October 2002

For the Commission


David Albino, Administrator
Telecommunications Division

DA:KHK:srd:g:\confidential determination\OTH 2001 Ann Rep 1002 Conf Deter